

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

_____	)	
THERMO FINNIGAN LLC,	)	
	)	
Plaintiff and	)	
Counter-Defendant,	)	
	)	
v.	)	Civil Action No. 04-1505-GMS
	)	
APPLERA CORPORATION,	)	
	)	
Defendant and	)	
Counter-Plaintiff.	)	
_____	)	

**STIPULATION AND PROPOSED ORDER**

The parties hereby stipulate, subject to the approval of the Court, that the Order approving the February 2, 2006 Stipulation (D.I. 62) to extend the time for Applera Corporation to file its Motion to Prohibit the Disclosure of Confidential and Highly Confidential Documents to Norman J. Dovichi shall be modified to read as follows:

The date for Applera Corporation to file its Motion to Prohibit the Disclosure of Confidential and Highly Confidential Documents to Norman J. Dovichi is hereby extended through and including, March 3, 2006.

This extension is necessary to provide Thermo Finnigan LLC sufficient time to explore the possibility of hiring another expert, and allow the parties additional time to determine whether this matter can be resolved without the need for motion practice.

DATED: February 9, 2006

YOUNG CONAWAY STARGATT  
& TAYLOR, LLP

/s/ Adam W. Poff

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RICHARDS, LAYTON & FINGER

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SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2006.

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U.S.D.J.